



WILLIAM T FUJIOKA
Chief Executive Officer

County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, California 90012
(213) 974-1101
<http://ceo.lacounty.gov>

December 9, 2009

To: Supervisor Gloria Molina, Chair
Supervisor Mark Ridley-Thomas
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

A handwritten signature in black ink, appearing to read "W. T. Fujioka", is written over the printed name and title.

Board of Supervisors
GLORIA MOLINA
First District

MARK RIDLEY-THOMAS
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

CONTRACTING PROCEDURES – CORRECTIVE ACTION PLAN

On September 17, 2009, this Office submitted a final report responding to Board orders on Workforce Investment Act Employment and Training Program Services Contracts (Attachment I). The report identified areas where County contracting policy and procedures were not adhered to or followed by the Department of Community and Senior Services (CSS). Specifically, the report confirmed CSS did not fully adhere to the County's Protest Policy (Policy) and, in doing so, impacted the integrity of the appeal process. In addition, this deviation from Policy was not detected in the normal review process by this Office. At some point during the process, County Counsel was made aware of this deviation, but believed that CSS' desired course of action was defensible and satisfied the intent and purpose of the Policy. The reasons for that opinion were provided under separate cover to Supervisor Molina per her request in September 2009.

This memorandum discusses the corrective action each department has taken to prevent this problem from occurring in the future.

Community and Senior Services

To address the issue of various deficiencies identified in the Workforce Investment Act (WIA) procurement process, CSS developed a corrective action plan (Attachment II) which cites specific actions (e.g., periodic/ongoing CSS staff training on contracting requirements, CEO and CSS executive staff oversight of all appeals, and CSS

"To Enrich Lives Through Effective And Caring Service"

***Please Conserve Paper – This Document and Copies are Two-Sided
Intra-County Correspondence Sent Electronically Only***

executive staff involvement in any third level appeal) that have been implemented to ensure that all solicitation protests are handled in accordance with County policy.

The Department completed the following actions:

- On September 15, 2009, provided the County's Services Contract Solicitation Protest Policy Implementation Guidelines to all contracting managers and staff, with instructions to adhere to the guidelines, specifically addressing the need to use the County Review Panel Process with all, including WIA solicitations.
- On October 9 and 16, 2009, provided County Contracting Policies/Process Training to all contract staff.
- Developed a plan to ensure adherence to the County Solicitation Protest Policy as described in the corrective action plan mentioned above.
- Instituted a new procedure for the CSS Assistant Director to be personally involved in any appeal process beyond the first level to ensure compliance, and the Director's personal involvement in any third level appeal process.

Moving forward, County Contracting Policies/Process Training will be provided to new staff, prior to the release of an RFP, and an annual refresher course will be given to all staff at the beginning of each fiscal year.

Chief Executive Office

As final reviewer, and being charged with ensuring departments follow County policy, it is this Office's responsibility to make certain our review and evaluation of department actions are thorough and complete. Accordingly, this Office will provide all CEO Budget Analysts with additional training on contracting/purchasing policy and procedures. The first of these training sessions is being held December 9, 2009 and includes the topics listed on the attached training agenda (Attachment III). Additional sessions will be offered in January or February 2010 for those analysts unable to attend the December 9 training. This Office will thoroughly review all Board Letters for applicable policy compliance, before submitting them to your Board for consideration.

In addition to these training sessions, the CEO will provide new CEO analysts with contracting/purchasing policy training and provide refresher courses periodically which will include any updates to County contracting policies.

Each Supervisor
December 9, 2009
Page 3

County Counsel

County Counsel committed to advise CSS to: 1) ensure that the Policy be incorporated in all future WIA solicitation documents; 2) follow the Policy so as to allow proposers the option to avail themselves of the Policy and County Review Panel Process if they are aggrieved; and 3) take County Review Panel's recommendations to the WIB for final recommendation to your Board. These actions will help ensure CSS' compliance with the Policy and solicitation requirements, as well as act as safeguards to protect the integrity of the County solicitation process.

In addition, the State has indicated that it is acceptable to use local due process procedures for WIA solicitations, such as the Policy, so long as the Federal benchmarks are also met. Thus, County Counsel will continue to be available to advise CSS of any Federal requirements that should be incorporated within future solicitations.

Conclusion

As part of our ongoing efforts to reduce errors in the contracting process, this Office will continue to monitor departments' compliance to existing policies, and periodically incorporate enhanced policies, procedures, best practices, and training programs to maintain compliance with County contract and purchasing policies.

Should you have questions regarding this memorandum, please let me know, or your staff may contact James Hazlett at (213) 974-1148 or jhazlett@ceo.lacounty.gov.

WTF:ES:MKZ
FC:JH:pg

Attachments

c: Executive Officer, Board of Supervisors
 Acting County Counsel
 Director, Department of Community and Senior Services



County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, California 90012
(213) 974-1101
<http://ceo.lacounty.gov>

WILLIAM T FUJIOKA
Chief Executive Officer

Board of Supervisors
GLORIA MOLINA
First District

MARK RIDLEY-THOMAS
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

September 17, 2009

To: Supervisor Don Knabe, Chairman
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Zev Yaroslavsky
Supervisor Michael D. Antonovich
From: 
William T Fujioka
Chief Executive Officer

FINAL REPORT: BOARD ORDERS ON WORKFORCE INVESTMENT ACT (WIA) EMPLOYMENT AND TRAINING PROGRAM SERVICES CONTRACTS

On June 30, 2009 your Board took the following actions:

- Approved an award of the Workforce Investment Act (WIA) – Adult and Dislocated Worker contract for Area #12 (West San Gabriel Valley) and Area #3 (City of Compton), in accordance with the Department of Community and Senior Services' (DCSS) initial recommendation, as notified in writing on March 30, 2009 to Managed Career Solutions, Inc., and West San Gabriel Valley Consortium, dba Career Partners, and Compton CareerLink WorkSource Center on a month-to-month basis, pending the results of the Contract Review Board, Auditor-Controller review, and recommendation of DCSS;
- Directed the Auditor-Controller to review the County's third-level appeal process for these contracts; and report back within 30 days with recommendations on its findings;
- Directed DCSS to report back within 30 days after the Auditor-Controller's report, with recommendations for the final award of Area #12 WIA – Adult and Dislocated Worker contract;
- Directed this Office to redo the appeal process for all contractors who went through the third-level appeal process, in accordance with the County protest policy by the Contract Review Board, prior to the Auditor-Controller's review, with a report back in 30 days that includes a review of all administrative costs; and
- Made a finding that these actions are in the best interest of the County.

"To Enrich Lives Through Effective And Caring Service"

**Please Conserve Paper – This Document and Copies are Two-Sided
Intra-County Correspondence Sent Electronically Only**

Via our August 11, 2009 memorandum, we reported to your Board the Auditor-Controller (review of the third-level appeal process) and DCSS (recommendations for the final award of Area #12 WIA – Adult and Dislocated Worker contract) would separately keep your respective staff advised of their actions and both would report back accordingly under separate cover. At that time, we also informed your Board we would need additional time to redo the appeal process for all contractors who went through the third-level appeal process and would report back to your Board by September 11, 2009 with our findings. This memorandum serves as our final response with respect to this issue. Please note the Auditor-Controller provided your Board with their review of the solicitation process and the administrative costs on August 14, 2009.

COUNTY REVIEW PANEL PROCESS

As we previously reported to your Board, our Office convened the County Review Panel (Panel) to hear all three appeals and provided the Panel members with the relevant documentation for their review and consideration in preparation for the meetings. DCSS received requests for Panels from Career Partners, Managed Career Solutions, and Compton CareerLink WorkSource Center, respectively.

West San Gabriel Valley Consortium, dba Career Partners:

On July 28, 2009, the Panel was convened at the request of Career Partners pursuant to the Services Contract Solicitation Protest (Protest Policy), Board Policy 5.055, in response to the Workforce Investment Act (WIA) Title I and Dislocated Worker Program Request for Proposal (RFP) issued October 17, 2008, by DCSS. The solicitation process also included three subsequent addenda dated October 23, October 28, and October 31, 2008. In addition, DCSS posted responses to written questions received from proposers on their Website on October 24, 2008 and November 10, 2008.

At the meeting, Career Partners made a presentation to the Panel alleging numerous errors had been made in the mathematical recording/summation of scores from the three proposal raters, there were inconsistencies in the application of corrections, and there was a failure to credit Career Partners with full points on selected Evaluation Document Questions (Questions), all of which would add additional points to Career Partners, making it the highest rated proposer.

As reflected in the supporting documentation accompanying the transmittal letter requesting a review, Career Partners asserted the following:

- A. **DCSS made identifiable mathematical or other errors in evaluating proposals.**

Panel Finding: The Panel found that once DCSS agreed in the Debriefing results that Rater 10 incorrectly scored Questions 8 and 30, DCSS should have looked at the scoring of those Questions for all Raters, instead of just looking at the scoring for Rater 10 (as was raised by Career Partners). This increased Rater 9's score by 15 points (Questions 8 and 30) and Rater 16's score by 5 points (Question 30).

Panel Findings: The Panel found there was an inconsistency between what was requested in the RFP and what was defined in the Evaluation Document. The Panel, therefore, recommended the impact of Question 35 be removed for all Raters and among all proposers. On Questions 41 and 67, Career Partners presented its arguments and DCSS presented its responses. The Panel found no error or inconsistency and, therefore, recommended that the Raters' scores stand.

In addition to the above findings, during the meeting, the Panel concurred with DCSS' recommendations on three other scoring adjustments.

- B. DCSS materially failed to follow procedures specified in its solicitation document.

Panel Findings: The Panel did not find material failure on the part of DCSS; therefore, recommended no further action for DCSS.

- C. Bias by members of the Evaluation Committee and their superiors.

Panel Findings: The Panel could not find sufficient evidence of bias on the part of DCSS; therefore, recommended no further action for DCSS.

- D. Another basis for review as provided by State or Federal law.

Panel Findings: There were no supporting documents provided to the Panel for consideration; therefore, the Panel found it was not able to effectively deal with this assertion and could not provide a recommendation. With regard to the availability of public records, the Panel found, that at the time the RFP was released, County policy did not provide for the release of public documents until the recommended action had been placed on the Board's printed agenda. On March 31, 2009, the Board adopted revisions to the Protest Policy, thereby, making the recommended proposer's proposal and evaluation documents subject to release under the Public Records Act at such earlier times as indicated in the revised Protest Policy. Thereafter, Career Partners received and is in possession of the requested documents. The Panel found no further action or recommendation was necessary.

At the close of the meeting, the Panel noted the review revealed a significant number of mathematical errors, errors in the consistency of handling corrections across Raters, and inconsistency between the RFP and the Evaluation Document, which raised questions about the RFP process. The Panel, therefore, made the overall recommendation that all of the disputed questions discussed during the meeting be re-scored across all proposals received under the RFP, in order to reflect a consistent application of the recommended corrections.

Summary

Based on the information presented to the Panel for review and oral presentations made at the meeting, the Panel recommended further action on the part of DCSS with regards to assertion A (above), specifically that DCSS made identifiable mathematical and other errors in evaluating

proposals. In response to the Panel finding, DCSS re-scored the proposals and Career Partners was determined to be the highest ranked bidder over Managed Career Solutions by five points.

Managed Career Solutions (MCS):

On July 30, 2009, the Panel convened at the request of MCS pursuant to the Protest Policy. At the meeting, MCS wanted to address the previous Panel's recommendation that Question 35 of the Evaluation Document under the RFP be deleted due to its inconsistency with the solicitation document. MCS expressed their concern regarding the impact the deletion would have on MCS' final score in the RFP process. MCS additionally expressed concern that their due process rights had been violated by convening a County Review Panel at another proposer's request and making a finding that impacted MCS' final score, without direct notice to MCS.

The Panel's counsel explained the process established by the Protest Policy, that each vendor is given an opportunity to submit a request for a County Review Panel and only issues included in the request are discussed before Panel. The Panel's counsel further explained a notice of each County Review Panel is posted on the third floor of the Hall of Administration and outside the meeting location. The Panel's counsel then advised the Panel that Question 35 was not part of the Panel's purview, because it was not included in MCS' transmittal letter; it was part of an independent and concluded Panel action.

As reflected in the supporting documentation accompanying the transmittal letter requesting a review, MCS asserted there was bias in the conduct of evaluation and prior appeals process evidenced by the following:

A. The delayed addition of a third Rater:

Panel Findings: The Panel did not find evidence of bias with the third Rater. The Panel recommended, however, for future solicitations, DCSS have raters conduct all evaluations within the same time frame to help ensure all evaluators receive the same instruction. The Panel noted this issue should be resolved in all future solicitations by use of the Informed Averaging evaluation methodology in accordance with a recently adopted Board policy.

B. Workforce Investment Board (WIB) Review Panel and its decision:

Panel Finding: The Panel recommended the WIB Review Panel should not be considered by DCSS as the third level of review. At the conclusion of discussion of these assertions, one Panel member noted DCSS' errors and inconsistencies in scoring and evaluation process, and utilization and acceptance of the WIB Review Panel's findings, could bring into question the RFP process and its execution.

Summary

Based on the information presented to the Panel for review and oral presentations made at the meeting, the Panel did not find support for the assertion of bias on the part of the third Rater. However, the Panel made recommendations related to each of the two assertions discussed, as noted above.

Compton CareerLink WorkSource Center (Compton):

On August 20, 2009, the Panel convened at the request of Compton pursuant to the Protest Policy. As reflected in the supporting documentation accompanying the transmittal letter requesting a review, Compton asserted the following:

- A. DCSS made identifiable mathematical or other errors in evaluating proposals.

Panel Finding: The Panel did not find DCSS made identifiable mathematical or other errors in evaluating the proposal. As a result of the Panel's finding, there was no change to the score received by Compton.

- B. DCSS materially failed to follow procedures specified in its solicitation document.

Panel Findings: The Panel did not find DCSS materially failed to follow procedures specified in its solicitation document, with the exception of the WIB Review Panel, which DCSS informed the Panel had been discarded.

- C. Bias by members of the Evaluation Committee and their superiors.

Panel Findings: The Panel did not find members of the evaluation committee demonstrated bias in the conduct of the evaluation.

- D. Another basis for review as provided by State or Federal law.

Panel Findings: The Panel did not find evidence of another basis for review as provided by State and Federal law.

Summary

Based on the information presented to the Panel for review and oral presentations made at the meeting, the Panel did not find sufficient evidence to recommend further action regarding any of the assertions above.

CONCLUSION

The results of the Panel process confirmed DCSS did not fully adhere to the County's Protest Policy and, in doing so, impacted the integrity of the appeal process. The Panel also determined DCSS needs to ensure the numerical accuracy of the evaluation documents and make certain the evaluators for the solicitations provide sufficient commentary to substantiate

Each Supervisor
September 17, 2009
Page 6

their scores. In response to the Panel's findings, our Office advised DCSS their actions placed the County in a precarious position with respect to the validity of their solicitation process. For future solicitations, our Office directed DCSS to adhere to all applicable County policies and procedures without exception.

DCSS received all three Panel summary reports and will be returning to your Board with their contract recommendations. Please note the Panel summary reports for all three meetings are also available upon request.

Please let me know if you have any questions regarding this matter, or your staff may contact Martin Zimmerman at (213) 974-1326 or mzimmerman@ceo.lacounty.gov.

WTF:ES:MKZ
VLA:pg

c: Executive Officer, Board of Supervisors
 Acting County Counsel
 Director, Department of Community and Senior Services



CYNTHIA D. BANKS
Director

**COMMUNITY AND SENIOR SERVICES
OF LOS ANGELES COUNTY**

3175 WEST SIXTH STREET • LOS ANGELES, CA 90020-1708 • (213) 738-2600 • (213) 487-0379 FAX

"To Enrich Lives through Effective and Caring Service"

BOARD OF SUPERVISORS

GLORIA MOLINA
MARK RIDLEY-THOMAS
ZEV YAROSLAVSKY
DON KNABE
MICHAEL D. ANTONOVICH

September 30, 2009

To: Jackie White, Deputy Chief Executive Officer
Children and Families' Well-Being Cluster

From: 
Cynthia Banks, Director

Subject: **CORRECTIVE ACTION PLAN**

As requested, this is to provide you with a corrective action plan to address the deficiency identified in the Department's recent Workforce Investment Act (WIA) procurement process. Specifically, following the first and second level appeals/reviews, the Department incorrectly used a long-standing practice with WIA contracts to have the 3rd level appeal process conducted by the Workforce Investment Board. Instead, the 3rd level appeal process should have been conducted through the County Review Panel process in accordance with the County's Contract Solicitation Protest Policy.

Subsequent to the beginning of this procurement, my contract managers and staff involved in solicitations went to ISD's training on 5/21/09 on the updated County's Services Contract Solicitation Protest Policy. In turn, they provided the training to their staff. Building on that foundation, I have further addressed the deficiency as follows:

- On 9/15/09, we provided all contracting staff the County's Services Contract Solicitation Protest Policy Implementation Guidelines updated by ISD on 5/13/09, instructing them to adhere to the guidelines, specifically addressing the need to use the County Review Panel Process with WIA solicitations, as well as with our other procurements (in which it is currently used). That memo is attached.
- County Contracting Policies/Process Training will be provided to all contract staff on 10/09/09 and 10/16/09. The CEO analyst will be invited to participate in the training.
- County Contracting Policies/Process Training will be provided to new staff, prior to the release of an RFP, and an annual refresher course will be given to all staff at the beginning of each Fiscal Year. This will include any and all updates to county contracting policies. The CEO analyst will be notified and invited to these trainings.
- To ensure adherence to the County Solicitation Protest Policy:

1. The Contract Manager met with all contracting staff on 9/17/09, reviewed the policy, instructed them to acknowledge that they received the policy, understood it, and agreed to adhere to it.
2. The Contract Manager developed the attached checklist (of all solicitation requirements) which will be reviewed with each analyst throughout the solicitation process to ensure staff follow all solicitation requirements.
3. I will notify you and our CEO analyst of all contracts in 1st, 2nd, and 3rd level review. A list of RFPs being released in FY 09-10 is attached.
4. I have asked that the Assistant Director over contracting to be personally involved in any appeal process beyond the 1st level to ensure that the County's Contract Solicitation Protest Policy is correctly carried out by the Department.
5. I will be personally involved in any 3rd level appeal process to ensure that the County Review Panel Process is correctly carried out by the Department.

Through the above mentioned measures, I am confident that all solicitation protests will be handled in accordance with County policy. Please let me know if you have any questions.

CDB:me

Attachments



CYNTHIA D. BANKS
Director

**COMMUNITY AND SENIOR SERVICES
OF LOS ANGELES COUNTY**

3175 WEST SIXTH STREET • LOS ANGELES, CA 90020-1708 • (213) 738-2600 • (213) 487-0379 FAX

"To Enrich Lives through Effective and Caring Service"

BOARD OF SUPERVISORS

GLORIA MOLINA
MARK RIDLEY-THOMAS
ZEV YAROSLAVSKY
DON KNABE
MICHAEL D. ANTONOVICH

September 15, 2009

To: All Contracts Management Division Staff

From: Margaret Quinn, Assistant Director

Subject: **REVISED COUNTY'S SERVICES CONTRACT SOLICITATION PROTEST
POLICY**

In May, ISD updated the County's Contract Solicitation Protest Policy. A copy of the Implementation Guidelines is attached for each of you. Please review and be familiar with the Guidelines, paying particular attention to the County Review Panel process for third level appeals (see page 9).

In the past, for WIA contracts, there has been a practice to use a WIB Review Panel in lieu of a County Review Panel. However, as the Implementation Guidelines require the use of a County Review Panel and do not provide for any substitute panels, this practice is now obsolete. Third level appeals for WIA solicitations must now use the County Review Panel process (as is done for all other program solicitations).

To ensure adherence to this policy, I am requesting that all contracting staff acknowledge that they have received the policy, understand it, and agree to follow it. Carol will be convening a Division meeting shortly, going over the updated policy, and asking you to complete the attached Statement of Acknowledgment.

Through these measures, I am confident that all of the Department's solicitation protests will be handled in accordance with the updated County policy.

Please let me know if you have any questions.

MQ:me

Attachments

c: Cynthia D. Banks
Otto Solorzano
Carol Domingo

SERVICES CONTRACT SOLICITATION PROTEST POLICY IMPLEMENTATION GUIDELINES

This document ("Guidelines") provides instructions on how to implement the Los Angeles County Board of Supervisors ("Board") Services Contract Solicitation Protest Policy (Policy No. 5.055) ("Protest Policy"), the revised version of which was adopted by the Board on March 31, 2009 and becomes effective June 1, 2009. These Guidelines address the following areas:

- Introduction
- Notification to Vendor
- Grounds for Review
 - Solicitation Requirements Review
 - Disqualification Review
 - Department's Proposed Contractor Selection Review
 - Selection of Proposer and Completion of Negotiations
 - Departmental Debriefing Process
 - Proposed Contractor Selection Review
 - County Review Panel Process
 - Request to Convene a Panel; Required Panel Materials
 - Selection of Panel Members
 - Brown Act Considerations
 - Chair Responsibilities
 - Conducting the Panel Review
 - Panel Responsibilities
 - Department Responsibilities
- Accessing Guidelines; Updates to Guidelines
- Standard/Sample Language
- Timeframes
- Solicitation Practices

Introduction

Any proposer who, in the course of a competitive solicitation for a Board-approved services contract, (i) would have submitted a proposal but for a requirement or provision in the solicitation document, or (ii) is determined non-responsive, or (iii) is not being recommended to the Board for award of a contract, may request the applicable levels of review of such solicitation, as provided in the Protest Policy.

As used in these Guidelines:

1. The term "proposer" is defined as (a) any person or entity that submits a bid, proposal or other response to a services contract solicitation

conducted by any department or agency that is governed by the Board and (b) for purposes of the Solicitation Requirements Review only, any person or entity that can demonstrate that it would have submitted a bid, proposal or other response to such a solicitation, but for a requirement or provision in the solicitation document that created an unfair disadvantage for the proposer.

2. The term "proposal" is defined as a bid, proposal, or other response to a services contract solicitation.
3. The term "evaluation document" is defined as the term is defined in Board Policy No. 5.054 (Evaluation Methodology for Proposals).

Throughout the review process, the County has no obligation to delay or otherwise postpone an award of contract based on a proposer protest. In all cases, the County reserves the right to make an award when it is determined to be in the best interest of the County to do so.

Notification to Vendor

All issued solicitation documents should include information on how a proposer may request a review. The most current solicitation language may be accessed at <http://web.co.la.ca.us/lacounty/svcscontractingmanual/> by selecting "Model Solicitation Documents."

Grounds for Review

Unless state or federal statutes or regulations otherwise provide, the grounds for review of any departmental determination or action provided for under the Protest Policy are limited to the following:

- Review of Solicitation Requirements
- Review of a Disqualified Proposal
- Review of Department's Proposed Contractor Selection

The following describes the procedures to be followed for each of these areas.

Solicitation Requirements Review

Any person or entity may seek a Solicitation Requirements Review by submitting a written request for review to the department conducting the solicitation as described in this section of these Guidelines. A request for a Solicitation Requirements Review should be granted if it satisfies all of the following criteria:

1. The request for a Solicitation Requirements Review is made within ten business days of the issuance of the solicitation document;
2. The request for a Solicitation Requirements Review includes documentation, which demonstrates the underlying ability of the person or entity to submit a proposal;
3. The request for a Solicitation Requirements Review itemizes in appropriate detail, each matter contested and factual reasons for the requested review; and
4. The request for a Solicitation Requirements Review asserts that either:
 - (a) application of the minimum requirements, evaluation criteria and/or business requirements unfairly disadvantages the person or entity; or,
 - (b) due to unclear instructions, the process may result in the County not receiving the best possible responses from prospective proposers.

Requests for a Solicitation Requirements Review not satisfying all of these criteria may, in the department's sole discretion, be denied.

Wherever possible, the Solicitation Requirements Review should be performed by one or more departmental representatives with services contracting knowledge or experience, who were not involved to a substantial degree with the solicitation.

After a request for a Solicitation Requirements Review is received from a proposer, the department should:

- Ensure the request was received within the timeline specified; and
- Review the request to determine if it itemizes in appropriate detail each matter contested, as well as any factual reason(s) for the requested review.

The Solicitation Requirements Review shall be completed and the department's determination shall be provided to the proposer, in writing, within a reasonable time prior to the proposal due date.

Disqualification Review

A proposal may be disqualified from consideration because a department determined it was non-responsive at any time during the review/evaluation process. If a department determines that a proposal is disqualified due to non-

responsiveness, the department shall notify the proposer in writing and provide the following information:

- The specific solicitation criteria the proposal failed to meet;
- The grounds on which the proposer may request a Disqualification Review;
- The specific timeframe within which the proposer must request a Disqualification Review;
- The Transmittal form to Request a Disqualification Review; and
- Direction to the proposer to include appropriate factual support on each ground asserted in the request for a Disqualification Review as well as copies of all documents and other material which support its assertions.

A copy of the Transmittal Form to Request a Disqualification Review can be accessed at <http://web.co.la.ca.us/lacounty/svcscontractingmanual/> by selecting "Model Solicitation Documents".

Upon receipt of the department's written notification of non-responsiveness, the proposer may submit a written request for a Disqualification Review by the date specified in the written notification.

A request for a Disqualification Review should be granted if it satisfies all of the following criteria:

1. The person or entity requesting a Disqualification Review is a proposer;
2. The request for a Disqualification Review is submitted timely; and
3. The request for a Disqualification Review asserts that the department's disqualification of the proposal was erroneous (e.g. factual errors, etc.) and provides factual support on each ground asserted as well as copies of all documents and other material that support the assertions.

Requests for a Disqualification Review not satisfying all of these criteria may, in the department's sole discretion, be denied.

Whenever possible, a Disqualification Review should be performed by one or more departmental representatives with services contracting knowledge or experience, who were not involved to a substantial degree with the solicitation.

After a request for a Disqualification Review is received from a proposer, the department should:

- Ensure the request was received within the timeline specified; and
- Review the request to determine if it itemizes in appropriate detail each ground asserted, as well as any factual reason(s) for the requested Disqualification Review.

The Disqualification Review shall be completed and the determination shall be provided to the proposer, in writing, prior to the conclusion of the evaluation process.

Department's Proposed Contractor Selection Review

Selection of Proposer and Completion of Negotiations

Upon completion of the evaluation, the department notifies the recommended proposer and commences contract negotiations with that proposer. Upon completion of negotiations, the department obtains a letter ("Letter of Intent") from an authorized officer of the recommended proposer that the negotiated contract is a firm offer of the recommended proposer, which shall not be revoked by the recommended proposer pending the department's completion of the Protest Policy process and Board approval. A sample Letter of Intent can be accessed at <http://web.co.la.ca.us/lacounty/svcscontractingmanual/> by selecting "Model Solicitation Documents".

NOTE: Once the department obtains a Letter of Intent, absent extraordinary circumstances, the department will release the recommended proposer's proposal and corresponding evaluation documents only, with any justifiable portions redacted, in response to California Public Records Act requests.

Departmental Debriefing Process

NOTE: Debriefings are required to be provided under these Guidelines only in connection with solicitations where the responses are evaluated and scored (as opposed to being awarded to the lowest cost, responsive and responsible bidder). For solicitations being awarded to the lowest cost, responsive and responsible bidder, departments should include the manner and timeframe for submitting a Notice of Intent to Request Proposed Contractor Selection Review (described at the end of this section of these Guidelines) in the letters notifying the remaining proposers that they were not selected (described in the next paragraph of this section of these Guidelines).

Concurrent with notifying the recommended proposer as described in the section of these Guidelines entitled "Selection of Proposer and Completion of Contract Negotiations," the department shall additionally notify the remaining proposers in writing that they were not selected and that they may request a Debriefing within the timeframe specified in the written notification. A request for a Debriefing may, in the department's sole discretion, be denied if it is not submitted within the specified timeframe.

A Debriefing is conducted by the individual within the department who was charged with administering the solicitation process. If the proposer requests a Debriefing, the department should:

- Ensure the request was received within the specified timeframe; and
- Contact the proposer and schedule a Debriefing meeting.

The purpose of the Debriefing is to compare the proposer's response to the solicitation document with the evaluation document. The proposer shall be debriefed only on its response and evaluation documents. It is helpful for the proposer to understand the strengths and weaknesses of its proposal, as reflected in the score it received in the evaluation. Because contract negotiations are not yet complete, other proposers' responses and/or evaluation documents shall not be discussed. However, to provide the proposer with proper context, the proposer should be informed as to its relative ranking, i.e. points received compared to other proposals.

During or following the Debriefing, the department shall instruct the proposer that if the proposer is not satisfied with the results of the Debriefing, the proposer may, within a specified timeframe following the Debriefing, submit a Notice of Intent to Request a Proposed Contractor Selection Review. The department shall provide the proposer with a copy of the Notice of Intent to Request a Proposed Contractor Selection Review, which can be accessed at <http://web.co.la.ca.us/lacounty/svcscontractingmanual/> by selecting "Model Solicitation Documents."

The department shall additionally inform the proposer that, once the department has completed contract negotiations with the recommended proposer, each proposer that has timely submitted a Notice of Intent to Request a Proposed Contractor Selection Review will be provided an opportunity to request a Proposed Contractor Selection Review. In addition to requesting prior notification of the intent to request a Proposed Contractor Selection Review, the Notice of Intent to Request a Proposed Contractor Selection Review also asks the proposer to notify the department if the proposer wants copies of the recommended proposer's proposal and corresponding evaluation documents, when the same are made available for release in accordance with these Guidelines.

Proposed Contractor Selection Review

Following receipt of the Letter of Intent as described in section of these Guidelines entitled "Selection of Proposer and Completion of Negotiations," the department shall notify each proposer that has timely submitted a Notice of Intent to Request a Proposed Contractor Selection Review, in writing that such proposer may request a Proposed Contractor Selection Review by the date

specified in the written notification. The written notification should include a copy of the Transmittal Form to Request a RFP Proposed Contractor Selection Review and should instruct the proposer to include full and complete factual information on each ground for review asserted in the proposer's request. A copy of the Transmittal Form to Request a RFP Proposed Contractor Selection Review can be accessed at <http://web.co.la.ca.us/lacounty/svcscontractingmanual/> by selecting "Model Solicitation Documents." If requested under the Notice of Intent to Request a Proposed Contractor Selection Review, the written notification should include copies of the recommended proposer's proposal and corresponding evaluation documents.

A request for a Proposed Contractor Selection Review should be granted if all it satisfies all of the following criteria:

1. The firm/person requesting a Proposed Contractor Selection Review is a proposer;
2. The request for a Proposed Contractor Selection Review is submitted timely;
3. The firm/person requesting a Proposed Contractor Selection Review asserts in appropriate detail with factual reasons one or more of the following grounds for review:
 - (a) The department materially failed to follow procedures specified in its solicitation document. This includes:
 - Failure to correctly apply the standards for reviewing the proposal format requirements.
 - Failure to correctly apply the standards, and/or follow the prescribed methods, for evaluating the proposals as specified in the solicitation document.
 - Use of evaluation criteria that were different from the evaluation criteria disclosed in the solicitation document.
 - (b) The department made identifiable mathematical or other errors in evaluating proposals, resulting in the proposer receiving an incorrect score and not being selected as the recommended contractor.
 - (c) [NOTE: Applicable only to solicitations where the responses are evaluated and scored (as opposed to being awarded to the lowest cost, responsive and responsible bidder).] A member of the Evaluation Committee demonstrated bias in the conduct of the evaluation.
 - (d) Another basis for review as provided by state or federal law; and

4. The request for a Proposed Contractor Selection Review sets forth sufficient detail to demonstrate that, but for the department's alleged failure, the firm/person would have been the lowest cost, responsive, and responsible bidder or highest-scored proposer.

The assertions included in a request for a Proposed Contractor Selection Review may be with respect to the requesting proposer's proposal and/or with respect to the recommended proposer's proposal, provided the request for the Proposed Contractor Selection Review satisfies all of the four criteria identified above. Requests for a Proposed Contractor Selection Review not satisfying all of these criteria may, in the department's sole discretion, be denied.

After a request for a Proposed Contractor Selection Review is received from a proposer, the department should:

- Ensure the request was received within the timeline specified; and
- Review the request to determine if it itemizes in appropriate detail each ground asserted, as well as any factual reason(s) for the requested review.

Wherever possible, a Proposed Contractor Selection Review is performed by one or more departmental representatives with services contracting knowledge and experience, who did not participate to a substantial degree in the solicitation in question.

Upon completing the Proposed Contractor Selection Review, the department representative shall issue a written decision to the proposer within a reasonable time, and always before the date the contract award recommendation is to be heard by the Board. The written decision should state that if the proposer is not satisfied with the results of the Proposed Contractor Selection Review, it may request a review by the County Review Panel within the timeframe specified in the written decision.

Additionally, the written decision should attach a copy of the Transmittal Form to Request a County Review Panel and should instruct the proposer to:

- Include appropriate factual support on each ground asserted;
- Include all documents and other material which support its assertions;
- Include all items in their request as only the items referenced will be considered at the County Review Panel meeting;
- Limit the items included in their request to items raised in the Proposed Contractor Selection Review and new items that (i) arise from the department's written decision and (ii) are on of the appropriate grounds for requesting a Proposed Contractor Selection Review as listed above; and

- Inform the County if legal counsel will be accompanying them to the County Review Panel meeting.

A copy of the Transmittal form to Request a County Review Panel can be accessed at <http://web.co.la.ca.us/lacounty/svcscontractingmanual/> by selecting "Model Solicitation Documents."

County Review Panel Process

After a request for a County Review Panel is received from a proposer, the department should:

- Ensure the request was received within the timeline specified; and
- Review the request to determine if it itemizes in appropriate detail each matter contested, as well as any factual reason(s) for the requested review.

Request to Convene a Panel; Required Panel Materials

In order to convene a County Review Panel, the department submits a written request, including the timeframe for completion of the review, to the Chief Executive Office ("CEO"). The written request shall include five (5) copies of the following documentation (collectively, "Panel Materials"):

- The request for a Panel and supporting documentation;
- A copy of the solicitation document;
- A copy of the proposal being reviewed;
- If applicable, a copy of the recommended proposer's proposal ;
- A copy of the evaluation documents for proposal being reviewed and, if applicable, for the recommended proposer;
- Copies of any additional correspondence to and from the requesting proposer;
- A summary of the Debriefing;
- A copy of the request for a Proposed Contractor Selection Review and the department's decision; and
- Any other pertinent documentation.

A copy of the Letter to CEO to Convene County Review Panel can be accessed at <http://web.co.la.ca.us/lacounty/svcscontractingmanual/> by selecting "Model Solicitation Documents."

Selection of Panel Members

Upon receipt of a written request to convene a County Review Panel that meets the applicable requirements of these Guidelines, the CEO shall convene a Panel

from a candidate pool of potential Panel members. The pool will consist of contract managers and contract analysts in departments. When convening a Panel, the CEO shall select from the candidate pool three individuals from departments other than the department that administered the solicitation. The CEO shall appoint one of the three individuals to serve as Chair. The Panel members shall have services contracting knowledge. No member may have prior involvement with the solicitation.

Once all Panel members have been selected, the CEO will distribute the Panel Materials to each Panel member and the County Counsel for the Panel. NOTE: With respect to each convened Panel, absent extraordinary circumstances, copies of all Panel Materials, with any justifiable portions redacted, will be released upon request without delay.

Brown Act Considerations

Each County Review Panel is a Brown Act (California Government Code §§ 54950 et seq.) body and its meetings must be conducted in accordance with the Brown Act. This requires, in summary, that:

- Meetings of two or more Panel members must be properly noticed and open;
- Panel members cannot engage in closed "serial meetings," whether in person, by phone or e-mail;
- Panel agenda must be posted at the Panel meeting site seventy-two (72) hours in advance of the Panel meeting;
- Panel meeting must be limited to that which is listed on the Panel agenda;
- Public must be allowed to comment; and
- Violators may be subject to civil and criminal penalties.

Chair Responsibilities

County Review Panel Chairs are responsible for coordinating their respective Panel meetings. After receiving CEO notice of Panel member selection, the Chair shall contact the CEO and County Counsel for the Panel for direction on these responsibilities.

Conducting the Review Panel

The County Review Panel shall be conducted in accordance with the following guidelines:

HOA.578539.8
IMPLEMENTATION GUIDELINES VERSION 2
LAST UPDATED: 5/13/09

- The review is to be facilitated by the County Review Panel Chair.
- Participants should be advised that (i) the review by the County Review Panel is not a formal legal proceeding and (ii) the Panel makes recommendations only, which are not binding on the department.
- The review should be limited to what was presented in the request for review. No new issues can be brought forward in the review.
- All facts, comments and arguments made during the review must be relevant to the issues being reviewed.
- All comments are to be made by the proposer and department to the County Review Panel. There is no direct dialogue between the department and the proposer.
- The Panel shall deliberate and state its findings prior to adjourning the County Review Panel meeting.
- The public shall be given an opportunity to comment prior to adjourning the County Review Panel meeting.

Panel Responsibilities

Upon completion of the Panel's review, the Chair, with advice from the County Counsel for the Panel if needed, shall:

- Prepare a written report within ten business days; and
- Forward the report to the department.

Department Responsibilities

Upon receipt of the County Review Panel's report, department shall:

- Provide a copy to the proposer; and
- Forward a copy of the report, as necessary, to other departments.

With respect to each solicitation, once all Panels have been held and all reports have been issued, the department files recommendation for contract award on Board's agenda. Should a department believe that it is in the best interests of the County to place the recommendation for contract award on the Board's agenda prior to the completion of all Panels and issuance of all reports, the department must (a) state the reasons therefor in the applicable Board letter and (b) ask the Board for approval to proceed with contract award prior to such completion and issuance.

NOTE: When the agenda is printed, absent extraordinary circumstances, the remaining proposals and corresponding evaluation documents, with any justifiable portions redacted, will be available for release in response to California Public Records Act requests.

HOA.578539.8
IMPLEMENTATION GUIDELINES VERSION 2
LAST UPDATED: 5/13/09

Accessing Guidelines; Updates to Guidelines

Internal Services Department will publish these Guidelines on the Intranet at <http://web.co.la.ca.us/lacounty/svcscontractingmanual/> and will update the site as changes occur.

Standard/Sample Language

To assist departments in implementing their review protocols, the Internal Services Department and County Counsel have prepared standard solicitation document language setting forth the Protest Policy which should be used in all solicitations for Board-awarded services contracts. The most current solicitation language may be accessed at <http://web.co.la.ca.us/lacounty/svcscontractingmanual/> by selecting "Model Solicitation Documents."

Timeframes

The complexity and nature of requirements and proposals received, as well as the issues raised by a proposer can vary from solicitation to solicitation. As such, it is not practical to establish an across the board timeline for each phase of the review process. Instead, these Guidelines call for departments to complete each phase of any review process and to notify the proposer of the review results within a reasonable timeframe:

- Review of Solicitation Requirements – Review results should be provided to the proposer in time to allow for any changes in the submittal of a proposal.
- Review of Disqualified Proposal – Review results should be provided to the proposer in time to allow the proposal to be evaluated prior to the proposed contractor selection should they receive a favorable disposition of their ground asserted.
- Review of Proposed Contractor Selection – Review results should be provided to the proposer in advance of the scheduled Board date and in time to allow the proposal to be evaluated prior to contract award.

Solicitation Practices

Providing accurate information concerning the services sought, and producing clear, accurate and consistent solicitation documents, as well as appropriately documented evaluations will assist in expediting the solicitation process; minimizing the need for review and enhance vendor relations. To this end, County departments should be aware of the contracting practices set forth in the

Services Contracting Manual and consult with County Counsel timely as issues arise in the drafting of solicitation documents or during the solicitation process.

Departments should also consider the additional time that may be required to accommodate vendor protests and plan accordingly for that time in their solicitation processes. It is also recommended that departments add language to contracts that are subject to resolicitation to allow for the department head to unilaterally exercise extensions of the contract term on a month-to-month basis not to exceed a certain period of time (typically six months). Exercising short-term extensions of the contract can ensure continuation of services if a department encounters a protest process that delays award of a subsequent contract.

Departments should:

- Prepare all solicitations with appropriate, current provisions and exhibits. Model solicitation documents may be accessed at <http://web.co.la.ca.us/lacounty/svcscontractingmanual/> by selecting "Model Solicitation Documents."
- Follow statutory and policy requirements.
- Draft solicitations using clear and easily understood instructions.
- Define the evaluation criteria clearly prior to release of the solicitation, and include a high level summary of the evaluation criteria, along with weighting for criteria to be evaluated, in the solicitation document.
- Provide careful instruction for the Evaluation Committee members on the evaluation approach to be used and how the evaluation process will be conducted.
- Treat all proposers fairly and impartially.
- Give proposers an opportunity, through proposers' conferences and Debriefings, to ask questions regarding the solicitation document and/or learn why its proposal was not recommended.
- Include the following language in solicitation documents under "Proposers' Questions": "Questions may address concerns that the application of minimum requirements, evaluation criteria and/or business requirements would unfairly disadvantage proposers or, due to unclear instructions, may result in the County not receiving the best possible responses from proposer."



CONTRACTS MANAGEMENT DIVISION

RFP APPROACH

CHECKLIST REVIEW

Developing RFP:

- ☐ *Conduct planning and research*
- ☐ *Describe current process and problems*
- ☐ *Develop background information*
- ☐ *Indicate minimum requirements (pass/fail criteria)*
- ☐ *Prepare proposal preparation instructions (# of copies, due date. etc.)*
- ☐ *Include information about Proposer's Conference*
- ☐ *Describe broad evaluation factors*
- ☐ *Write Statement of Work*
- ☐ *Incorporate additional information and forms*
- ☐ *Keep log of firms requesting RFP*
- ☐ *Develop Evaluation Instrument*
- ☐ *Identify potential Evaluation Committee members*

What additional information should be contained in the solicitation documents?

- ☐ *Background/ Purpose (County, Department, & Project)*
- ☐ *County Services Contract Solicitation Protest Policy*
- ☒ *Review of Solicitation Requirements*
- ☒ *Review of a Disqualified Proposals*
- ☒ *Review of Department's Proposed Contractor Selection*
- ☐ *Responsibilities (County & Contractor)*
- ☐ *County Not Responsible for Cost Associated with Response Documents*
- ☐ *County May Cancel Solicitation at Any Time*

- ☐ *Reporting Requirements (Types, Frequency, Number of Copies, etc)*
- ☐ *Safety Requirements*
- ☐ *Adherence to County Facility Rules & Regulations*
- ☐ *Instructions to Vendors for Responding to Solicitation Document*
(Submission Deadline, Number of Copies, Format, Question/ Answers Period, Proposers'/ Bidders
Conference, Job Walk-Through, etc)

What additional documents should be attached to the solicitation documents?

- ☐ *Statement of Work*
- ☐ *Sample Contract*
- ☐ *Workload Volumes*
- ☐ *List of Facilities*
- ☐ *Functional Requirements for Information Systems*
- ☐ *Required Forms (GAIN/GROW Program; Child Support Compliance Program; CBE Program; Past*
Performance History/Reference; Employee Acknowledgement, Confidentiality, and Copyright
Assignment; Conflict of Interest; Transmittal Form to Request a RFP Solicitation Requirements
Review, Transmittal to Request a Disqualification Review, Transmittal Form to Request a RFP
Proposed Contractor Selection Review, Transmittal Form to Request a County Review Panel etc.)

Conduct Proposers' Conference:

- ☐ *Clarify and issue/ questions submitted by proposers*
- ☐ *Reinforce important items and requirements*
- ☐ *Conduct questions & answers*
- ☐ *Respond in writing to questions & answers and provide to every entity which received RFP*
- ☐ *Use a sign in sheet to monitor who attended (especially important for mandatory proposer's*
conferences)

Receiving Proposals:

- ☐ *Time stamp and date receipt of all proposals*
- ☐ *Do not accept late proposals*
- ☐ *Ensure package contain the correct number of proposals and fully complies with proposal*
preparation instructions

Initial Review:

- ☐ *Ensure proposal and firm meet the minimum requirements of the RFP including pass/fail*
components
- ☐ *May want to call reference*

COMMUNITY AND SENIOR SERVICES

TIMELINE FOR RFPs

FY 2009-10

| # | REQUEST FOR PROPOSAL | TARGET RELEASE DATE |
|---|-------------------------------|---------------------|
| 1 | APS System | 8/24/09 |
| 2 | AAA-III B Supportive Services | 9/30/09 |
| 3 | AAA- Linkages | 10/31/09 |
| 4 | AAA-III E/B Legal Services | 12/31/09 |
| 5 | AAA-HICAP | 12/31/09 |
| 6 | AAA-Ombudsman | 12/31/09 |

Chief Executive Office – Contracting/Purchasing Policy and Procedure Training

Section I - Introduction

- Contracting Tools (Reference Guide)
- Purchasing & Contracts Web portal

Section II – Legal Authority

- Anatomy of a Contract
- County's Legal Authority to Contract
- Board of Supervisors Authority
- Purchasing Agent Authority
- Department Head Authority
- Contract Termination
- Proposition A Overview
- IT Contracts

Section III – Purchasing

- Purchasing Agent Authority
- Sole source Purchases
- Funding Sources
- Purchasing Caution
 - Bridge Purchase Orders
 - Sole Source Purchase Orders
 - Proposition A
 - Repetitive Services

Section IV – Contracting

- Purchasing vs. Contracting
- Types of Solicitations
- Overview of Solicitation Process
- Model Documents and Checklists
- Standard Provisions
- Informed Averaging Methodology
- Contract Approval Process
- Contracting Considerations
- Retroactive Contracts
- Debarment
- Delegated Authority Agreements

Section V – Vendor Relations

- Protest Policy
- Insurance Requirements